

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Debra Lynn Whittenmore

Plaintiff,

vs.

Michael J. Astrue, Commissioner
of Social Security,

Defendant

Civil Action No. 8:10-3266-RMG


ORDER

Plaintiff filed this action *pro se*, pursuant to 42 U.S.C. § 405(g), to obtain judicial review of the final decision of the Commissioner of Social Security denying her claim for Disability Insurance Benefits under Title II of the Social Security Act. In accord with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to a United States Magistrate Judge for pretrial handling. Plaintiff's brief was due on August 1, 2011 and no brief was filed by the Court's deadline. The Magistrate Judge thereafter issued an order extending Plaintiff's time to file her brief until September 12, 2011 and advised her that her action was subject to dismissal with prejudice should she fail to respond by the new court imposed deadline. (Dkt. No. 24). After Plaintiff again failed to file her brief by the Court imposed deadline, the Magistrate Judge recommended on October 28, 2011 that the action be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute and comply with the rules of the Court. (Dkt. No. 26 at 3-4). Plaintiff was advised that she had fourteen days to file objections to the

Magistrate Judge's Report and Recommendation. (Dkt. No. 26-1). Plaintiff has filed with the Court no objections to the Magistrate Judge's Report and Recommendation.

The Court, having reviewed the Magistrate Judge's Report and Recommendation, the record in this matter and the applicable legal authorities, hereby adopts the Report and Recommendation and dismisses this action with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute and comply with the rules of the Court.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
December 12, 2011